

CERTIFICATION OF ENROLLMENT

SENATE BILL 5394

Chapter 14, Laws of 2023

68th Legislature
2023 Regular Session

INTERNATIONAL MEDICAL GRADUATE SUPERVISORS—MALPRACTICE INSURANCE

EFFECTIVE DATE: July 23, 2023

Passed by the Senate February 28,
2023

Yeas 48 Nays 0

DENNY HECK

President of the Senate

Passed by the House March 22, 2023

Yeas 97 Nays 0

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 30, 2023 11:54 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5394** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 30, 2023

**Secretary of State
State of Washington**

SENATE BILL 5394

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senators Randall, Dhingra, Keiser, Nguyen, Stanford, Valdez, and C. Wilson

Read first time 01/16/23. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to malpractice insurance for international
2 medical graduate supervisors; and amending RCW 18.71.095.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.71.095 and 2021 c 204 s 1 are each amended to
5 read as follows:

6 The commission may, without examination, issue a limited license
7 to persons who possess the qualifications set forth herein:

8 (1) The commission may, upon the written request of the secretary
9 of the department of social and health services, the secretary of
10 children, youth, and families, or the secretary of corrections, issue
11 a limited license to practice medicine in this state to persons who
12 have been accepted for employment by the department of social and
13 health services, the department of children, youth, and families, or
14 the department of corrections as physicians; who are licensed to
15 practice medicine in another state of the United States or in the
16 country of Canada or any province or territory thereof; and who meet
17 all of the qualifications for licensure set forth in RCW 18.71.050.

18 Such license shall permit the holder thereof to practice medicine
19 only in connection with patients, residents, or inmates of the state
20 institutions under the control and supervision of the secretary of

1 the department of social and health services, the department of
2 children, youth, and families, or the department of corrections.

3 (2) The commission may issue a limited license to practice
4 medicine in this state to persons who have been accepted for
5 employment by a county or city health department as physicians; who
6 are licensed to practice medicine in another state of the United
7 States or in the country of Canada or any province or territory
8 thereof; and who meet all of the qualifications for licensure set
9 forth in RCW 18.71.050.

10 Such license shall permit the holder thereof to practice medicine
11 only in connection with his or her duties in employment with the city
12 or county health department.

13 (3) Upon receipt of a completed application showing that the
14 applicant meets all of the requirements for licensure set forth in
15 RCW 18.71.050 except for completion of two years of postgraduate
16 medical training, and that the applicant has been appointed as a
17 resident physician in a program of postgraduate clinical training in
18 this state approved by the commission, the commission may issue a
19 limited license to a resident physician. Such license shall permit
20 the resident physician to practice medicine only in connection with
21 his or her duties as a resident physician and shall not authorize the
22 physician to engage in any other form of practice. Each resident
23 physician shall practice medicine only under the supervision and
24 control of a physician licensed in this state, but such supervision
25 and control shall not be construed to necessarily require the
26 personal presence of the supervising physician at the place where
27 services are rendered.

28 (4) (a) Upon nomination by the dean of an accredited school of
29 medicine in the state of Washington or the chief executive officer of
30 a hospital or other appropriate health care facility licensed in the
31 state of Washington, the commission may issue a limited license to a
32 physician applicant invited to serve as a teaching-research member of
33 the institution's instructional staff if the sponsoring institution
34 and the applicant give evidence that he or she has graduated from a
35 recognized medical school and has been licensed or otherwise
36 privileged to practice medicine at his or her location of origin.
37 Such license shall permit the recipient to practice medicine only
38 within the confines of the instructional program specified in the
39 application and shall terminate whenever the holder ceases to be
40 involved in that program, or at the end of one year, whichever is

1 earlier. Upon request of the applicant and the institutional
2 authority, the license may be renewed. The holder of a teaching
3 research license under this subsection (4)(a) is eligible for full
4 licensure if the following conditions are met:

5 (i) If the applicant has not graduated from a school of medicine
6 located in any state, territory, or possession of the United States,
7 the District of Columbia, or the Dominion of Canada, the applicant
8 must satisfactorily pass the certification process by the educational
9 commission for foreign medical graduates;

10 (ii) The applicant has successfully completed the exam
11 requirements set forth by the commission by rule;

12 (iii) The applicant has the ability to read, write, speak,
13 understand, and be understood in the English language at a level
14 acceptable for performing competent medical care in all practice
15 settings;

16 (iv) The applicant has continuously held a position of associate
17 professor or higher at an accredited Washington state medical school
18 for no less than three years; and

19 (v) The applicant has had no disciplinary action taken in the
20 previous five years.

21 (b) Upon nomination by the dean of an accredited school of
22 medicine in the state of Washington or the chief executive officer of
23 any hospital or appropriate health care facility licensed in the
24 state of Washington, the commission may issue a limited license to an
25 applicant selected by the sponsoring institution to be enrolled in
26 one of its designated departmental or divisional fellowship programs
27 provided that the applicant shall have graduated from a recognized
28 medical school and has been granted a license or other appropriate
29 certificate to practice medicine in the location of the applicant's
30 origin. Such license shall permit the holder only to practice
31 medicine within the confines of the fellowship program to which he or
32 she has been appointed and, upon the request of the applicant and the
33 sponsoring institution, the license may be renewed by the commission.

34 All persons licensed under this section shall be subject to the
35 jurisdiction of the commission to the same extent as other members of
36 the medical profession, in accordance with this chapter and chapter
37 18.130 RCW.

38 Persons applying for licensure and renewing licenses pursuant to
39 this section shall comply with administrative procedures,
40 administrative requirements, and fees determined as provided in RCW

1 43.70.250 and 43.70.280. Any person who obtains a limited license
2 pursuant to this section may apply for licensure under this chapter,
3 but shall submit a new application form and comply with all other
4 licensing requirements of this chapter.

5 (5) The commission may issue a time-limited clinical experience
6 license to an applicant who does not qualify for licensure under RCW
7 18.71.050 or chapter 18.71B RCW and who meets the requirements
8 established by the commission in rule for the purpose of gaining
9 clinical experience at an approved facility or program.

10 (6) (a) Upon nomination by the chief medical officer of any
11 hospital, appropriate medical practice located in the state of
12 Washington, the department of social and health services, the
13 department of children, youth, and families, the department of
14 corrections, or a county or city health department, the commission
15 may issue a limited license to an international medical graduate if
16 the applicant:

17 (i) Has been a Washington state resident for at least one year;

18 (ii) Provides proof the applicant is certified by the educational
19 commission for foreign medical graduates;

20 (iii) Has passed all steps of the United States medical licensing
21 examination; and

22 (iv) Submits to the commission background check process required
23 of applicants generally.

24 (b) A license holder under this subsection may only practice:

25 (i) Under the supervision and control of a physician who is
26 licensed in this state under this chapter (~~(18.71)~~) or chapter 18.57
27 RCW and is of the same or substantially similar clinical specialty;
28 and

29 (ii) Within the nominating facility or organization.

30 (c) A license holder must file with the commission a practice
31 agreement between the license holder and the supervising physician
32 who is of the same or substantially similar clinical specialty.

33 (d) A supervising physician may supervise no more than two
34 license holders under this subsection unless the commission grants a
35 request to increase this limit.

36 (e) A limited license issued under this subsection is valid for
37 two years and may be renewed once by the commission upon application
38 for renewal by the nominating entity.

39 (f) All persons licensed under this subsection are subject to the
40 jurisdiction of the commission to the same extent as other members of

1 the medical profession, in accordance with this chapter and chapter
2 18.130 RCW.

3 (g) Persons applying for licensure and renewing licenses under
4 this subsection shall comply with administrative procedures,
5 administrative requirements, and fees determined as provided in RCW
6 43.70.250 and 43.70.280.

7 (h) The supervising physician shall retain professional and
8 personal responsibility for any act which constitutes the practice of
9 medicine as defined in RCW 18.71.011 or the practice of osteopathic
10 medicine and surgery as defined in RCW 18.57.001 when performed by an
11 international medical graduate practicing under their supervision.
12 (~~The supervising physician must hold medical malpractice insurance~~
13 ~~for any malpractice claim against an international medical graduate~~
14 ~~practicing under their supervision.~~)

Passed by the Senate February 28, 2023.

Passed by the House March 22, 2023.

Approved by the Governor March 30, 2023.

Filed in Office of Secretary of State March 30, 2023.

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